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PART II - MISCELLANEOUS NOTIFICATIONSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

COMMANDANT, HQRS., APSPF, TIRUPATI

DISCIPLINARY CASE AGAINST Sri K.V. SUDHAKAR, CT-2831 OF APSPF, SDSTPS, NELLORE, SUB-UNIT: NCCPPL, NELLORE.

- Ref: 1. Reports submitted by the Asst. Commandant, APSPF, SDSTPS, Nellore vide C.No.03/AC/APSPF/SDSTPS/NLR/ML/2017-18 D.No. 182/2017 dt: 16.03.2017, D.No.240/2017 dt:04.04.2017, D.No. 259/2017 dt:11.04.2017, D.No.359/2017 dt: 15.05.2017, D.No. 511/2017 dt: 10.07.2017, D.No.628/2017 dt: 08.09.2017, D.No. 744/2017 dt:30.10.2017, D.No.866/2017 dt:27.12.2017 and D.No. 976/2018 dt: 20.02.2018.
2. Charge Memo: This Office Rc.No.02/A3/Comdt.Hqrs/APSPF/ TPT/2018, dated: 20.03.2018.
3. C.No.25/AC/APSPF/SDSTPS/NLR/Ack/D.No.1085/2018, dated: 27.04.2018 of the AC, APSPF, SDSTPS, Nellore.
4. This Office Lr Rc.No.02/A3/Comdt.Hqrs/APSPF/TPT/2018, dated: 01.05.2018.
5. The AP Gazette Notification W.No. 18, G. 77, dated: 07.05.2018.
6. Appointing of EO: T.O. Rc.No.02/A3/Comdt.Hqrs/APSPF/ TPT/ 2018, O.O.No. 589/2018, dated: 21.05.2018.
7. OE Report: C.No. 15/AC/APSPF/UCIL/OE-CT-2831/2018/ D.No.1661, dated: 21.06.2018 of the Inspector, APSPF, UCIL, Thummalapalle.
8. Show Cause Notice: T.O. Rc.No.02/A3/Comdt.Hqrs/APSPF/ TPT/ 2018, dated: 02.07.2018.
9. C.No.25/AC/APSPF/SDSTPS/NLR/Ack/D.No.1214/2018, dated: 13.07.2018 of the AC, APSPF, SDSTPS, Nellore.

10. T.O. Lr. Rc.No.02/A3/Comdt.Hqrs/APSPF/TPT/2018, dated: 23.07.2018.
11. The AP Gazette Notification W.No.30, G. 282 dated: 30.07.2018.
12. C.No.03/AC/SPF/SDSTPS/NLR/ML-OSL/D.No.1082/2018, dated: 23.04.2018 of the AC, APSPF, SDSTPS, Nellore.
13. C.No.03/AC/SPF/SDSTPS/NLR/ML-OSL/D.No.1 173/2018, dated: 22.06.2018 of the AC, APSPF, SDSTPS, Nellore.

Rc.No.02/A3/Comdt.Hqrs/APSPF/TPT/2018. O.O.No.1047/2018,- In the reference first cited, the Asst. Commandant, APSPF, SDSTPS, Nellore submitted reports against Sri K.V. Sudhakar, CT-2831 of APSPF, SDSTPS, Nellore, Sub-Unit: NCCPPL, Nellore that, the said Constable was passported to avail Medical leave for a period of (14) days w.e.f. 15.03.2017 AN to 29.03.2017 AN. Instead of reporting back for duties from the said leave, he has been absenting the duties unauthorizedly from 29.03.2017 AN by simply sending representations from time to time for extension of sick leave on his own accord.

Vide reference second cited, the following Article of Charge was framed against Sri K.V. Sudhakar, CT-2831 and explanation called for.

ARTICLE-I: That the said Sri Sudhakar, CT-2831 was passported to avail Medical Leave for a period of (14) days w.e.f. 15.03.2017 AN to 29.03.2017 AN. Even after expiry of the said leave, he did not attend for duties and absenting the duties unauthorizedly w.e.f. 29.03.2017 AN by adopting irregular procedure for extending sick leave which amounts to willful absence.

Vide reference third cited, the Memorandum of Charge which was sent to the native address of the Charged Officer by Registered Post, was returned with postal remarks as "Addressee left the village, so returned to sender". Therefore, the Commissioner, Printing Stationery and Stores Purchase, Vijayawada was requested to publish the Memorandum of Charge in the A.P. Gazette vide reference fourth cited. Accordingly, the Memorandum of Charge was published in the A.P. Gazette vide reference fifth cited.

Vide reference sixth cited, Sri K. Radhakrishna, Inspector, APSPF, UCIL, Thummalapalle was appointed as an Inquiring Authority to inquire into the charge framed against the Charged Officer Sri K.V. Sudhakar, CT-2831.

The Inquiring Authority has conducted an ex-parte enquiry under Rule 20 (6) of APCS (CC&A) Rules, 1991 as the Charged Officer failed to receive the OE intimation letter which was sent to his native address by registered post and submitted the enquiry report vide reference seventh cited duly "**Proving**" the Article of Charge framed against the Charged Officer Sri K.V. Sudhakar, CT-2831.

Vide reference eighth cited, a Show Cause Notice was issued to the Charged Officer inviting further explanation if any, on the enquiry report. Accordingly, a copy of the Show Cause Notice along with enquiry report was sent to the native address of the Charged Officer by Registered post which was also returned vide reference ninth cited.

Vide reference tenth cited, the Commissioner, Printing Stationery and Stores Purchase, Vijayawada was requested to publish the Show Cause Notice in the A.P. Gazette. Accordingly, the Show Cause Notice was published in the A.P. Gazette vide reference eleventh cited.

Vide references twelfth and thirteenth cited, the Asst. Commandant, APSPF, SDSTPS, Nellore submitted reports against the Charged Officer that, the said Constable has again sent request letters for sick extension even after disciplinary proceedings were initiated against him, while refusing to accept all communications sent to him through registered posts.

Having gone through the entire PR file, I agree with the findings and opinion of the Enquiry Officer, who proved the Article of Charge as I hold that the Charged Officer has been a willful absentee for a prolonged period of exceeding one year. Further, the Charged Officer violated the leave procedure and absented for duties on the pretext of ill health. If he really fell ill health and intended to take medical treatment and rest, he should have reported sick at any APSPF unit nearby his place of residence to obtain sick passport for medical treatment. But he failed to do so and directly approached Osmania General Hospital, Hyderabad and obtained Medical Certificates from Civil Asst. Surgeon/RMO and extended Medical leave on his own by simply sending representations to the Unit Officer from time to time defying the procedure laid down for this purpose. In fact even while sending representations for sick extension also, the Charged Officer did not mention his present address so as to avoid communication from his unit.

This is an Armed Force and any absence by a member of the Force on his own for such a long period will have a lot of bearing on the discipline of the Force and also it will have adverse impact on operational duties and the personnel are required to be put on extra duties in place of habitual absentees and thus it amounts to gross misconduct. Further, non acceptance of official documents/ letters amounts to willful rejection. Therefore as envisaged in the CCA Rule No 42(iii), all official documents have been published in the A.P. Gazette. Rejecting official communications by the Charged Officer clearly indicates that he had no intention to serve the department.

The Government vide G.O.Ms. No 260, Genl. Admn. (Ser. C) Dept., dated: 04.09.2003 directed that "in all cases of unauthorised absence to duty for a continuous period exceeding 'one year', the penalty of removal from service shall be imposed on the Government employee, after duly following the procedure laid in the Andhra Pradesh Civil Services (CC&A) Rules, 1991".

I, therefore, award the Charged Officer with a penalty of **“Removal from Service”** with immediate effect under Rule-9(ix) of APCS (CC&A) Rules-1991.

The Medical leave period of (14) days from 15.03.2017 AN to 29.03.2017 AN is treated as **“Commutated leave of (28) days”** and the entire unauthorized absence period of (513) days from 29.03.2017 AN to 24.08.2018 (date of issue of this order) is treated as **“Not on duty”**.

Acknowledge the receipt of the proceedings.

B.V. RAMI REDDY,

Commandant, Hqrs.,

A.P. Special Protection Force,

Tirupati.

To

Sri K.V. Sudhakar, CT-2831 of APSPF, SDSTPS, Nellore,

Sub-Unit: NCCPPL, Nellore.

thro' the Asst. Commandant, APSPF, SDSTPS, Nellore - He will serve the orders on the above individual and return the dated acknowledgement copy to this office immediately.

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